

January 31, 2023

Chair Becker-Finn and Members of the Committee,

My name is Christa Moseng and my pronouns are she/her. I have been a licensed Minnesota attorney since 2008; I have served as a state executive branch attorney in various roles since 2011; and I am the current chair of MNclusive, the LGBTQIA+ resource group for state employees. I am testifying before you today in my personal capacity. I will first briefly touch on the legal context of HF 146 and then discuss the effectiveness and enforceability of its provisions.

Minnesota has a long history of leading the recognition and protection of the human rights of trans people. This year marks the 30th anniversary of Minnesota becoming the first state to enact a law protecting the human rights of trans people.¹ Minnesota's human rights law borrows language from a 1975 Minneapolis ordinance protecting trans civil rights.² Yet, now, anti-trans legislation is expanding. In 32 states, nearly 250 bills are currently under consideration that would single out trans people for discriminatory treatment of their privacy, their family relationships, and their rights to access public accommodations and health care.³

HF 146 would protect children, families, and caregivers in Minnesota from extraterritorial laws and orders that could interfere with the right to receive gender-affirming health care in Minnesota. The bill could also offer some protection to children, families, and care providers when people travel to Minnesota for gender-affirming health care and then return to a state with such a law.

Sections 2 through 4 of the bill amend the Uniform Child Custody Jurisdiction and Enforcement Act. These sections clarify how to implement the bill's policy favoring child health and welfare when performing a child-custody jurisdictional analysis. These provisions are narrow in scope, focusing on jurisdictional analysis to ensure that the state's interest in the child's welfare is not unnecessarily relinquished. The approach taken in HF 146 appears to be consistent with federal law.⁴

Sections 6 through 10 amend the Uniform Criminal Extradition Act. The extradition-related provisions will protect individuals and families by preventing their removal for exercising their rights in Minnesota. These sections are narrowly tailored to circumstances where Minnesota's discretion is not constrained by federal law.⁵ Sections 6, 7, 9 and 10 concern only acts committed in or services received in Minnesota. Sections 7 and 8 amend provisions where extradition is discretionary, not mandatory. The careful tailoring of these provisions ensures they are likely effective and enforceable.

For these reasons, the bill does not appear to interfere with any obligation to accord full faith and credit to acts, records, and judicial proceedings of another state. Overall, HF 146 would afford modest but concrete protection for healthcare recipients and providers subject to

¹ 1993 Minn. Laws ch. 22 § 2, *codified as* Minn. Stat. § 363A.03, subd. 44.

² Emma Margolin, *How Minneapolis Became First U.S. City to Pass Trans Protections*, NBC NEWS (June 3, 2016) available at <https://www.nbcnews.com/feature/nbc-out/how-minneapolis-became-first-u-s-city-pass-trans-protections-n585291>. Minneapolis has since separated the definitions of sexual orientation and gender identity. MINNEAPOLIS, MINN., MUN. CODE § 139.20.

³ TRANS LEGISLATION TRACKER, available at <https://translegislation.com/> (last visited January 28, 2023).

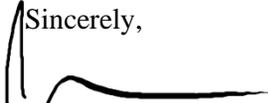
⁴ See 28 U.S.C. § 1738A (providing for the full faith and credit of child custody determinations).

⁵ See U.S. Const. Art. 4 § 2; 18 U.S.C. § 3182 (requiring extradition of fugitives).

Minnesota's jurisdiction from undue interference and attempted punishment by or through the laws of another state.

This bill is not merely a statement; it would substantively strengthen Minnesota's human rights advantage among the United States.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christa L. Moseng'. The signature starts with a large, stylized initial 'C' that loops back to the left, followed by a series of connected strokes forming the rest of the name.

Christa L. Moseng
Atty. Lic. # 0388830